

### **REMARKS**

This amendment is submitted along with a Request for Continued Examination and a request for a one month extension and appropriate fees in reply to the Office Action dated January 21, 2010. Claims 1, 4-7, 9, 10, 12-17, 19-33, 36, 40 and 42-66 currently stand rejected. Independent claims 1, 33, 40 and 66 have been amended for clarity. Claims 21, 24, 26, 30-32, 42-45, 48, 53, 55, 58, 60, 61, 64 and 65 have been amended to improve their form. No new matter has been added by the amendment. Claims 46 and 47 have been canceled, without prejudice.

In light of the amendment and the remarks presented below, Applicants respectfully request reconsideration and allowance of all now-pending claims of the present application.

#### **Claim Rejections**

Claims 1, 4-7, 9, 10, 12-17, 19-31, 33, 36, 40 and 42-66 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zwaneveld et al. (CA 2129925, hereinafter "Zwaneveld") in view of Hale et al. (U.S. Patent No. 6,785,539, hereinafter "Hale"). Claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Zwaneveld and Hale in view of Ogasawara (U.S. Patent No. 6,512,919). As indicated above, claims 46 and 47 have been canceled and thus the rejections of these claims are now moot. However, Applicants respectfully note that the subject matter of claim 46 has been incorporated into the amended independent claims.

Applicants have amended independent claim 1 to clarify that the user device has a microphone configured to receive a wireless acoustic signal that is time synchronized with the presentation and to specify that the timing controller is configured to process the received wireless acoustic signal to determine the timing during the presentation at which each caption should be output. The timing controller is also configured to control the caption output circuit so that each caption is output to the user at the determined timing.

Zwaneveld was cited as disclosing the features of cancelled claim 46, but Applicants respectfully disagree. Zwaneveld describes an audio sensor element (8), which is a device that senses the signal recorded on the film reel (1). In this regard, Zwaneveld describes the use of a magnetic read head that senses magnetic flux changes in the recording medium. A microphone

does not detect such changes in magnetic flux and does not read signals from a film reel. Instead, a microphone detects acoustic "pressure" waves without detecting magnetic fields. Accordingly, Zwaneveld fails to teach or suggest a microphone configured to receive a wireless acoustic signal that is time synchronized with the presentation for use in defining the timing during the presentation at which each caption is to be output to the user associated with the user device as provided in independent claim 1. Zwaneveld also fails to teach or suggest processing of a wireless acoustic signal as further provided in independent claim 1.

Hale also fails to teach or suggest a **microphone** configured to receive a wireless **acoustic** signal that is time synchronized with the presentation for use in defining the timing during the presentation at which each caption is to be output to the user associated with the user device as provided in independent claim 1, and is not cited as such. Moreover, Hale describes the use of RF or IF signals and therefore does not relate to acoustic wireless signals being used to control the play out timing of captions as provided in the claimed invention. Ogasawara also fails to cure the deficiencies of Zwaneveld and Hale, and is not cited as such.

Since Zwaneveld, Hale and Ogasawara each fail to teach or suggest the above described features of independent claim 1, any combination of Zwaneveld, Hale and Ogasawara also fails to teach or suggest such features. Accordingly, Applicants respectfully submit that the cited references, alone or in combination, fail to meet the claimed invention as set forth in independent claim 1. Consequently, Applicants respectfully submit that independent claim 1 and the claims dependent therefrom are both novel and non-obvious in view of the cited references, alone or in combination.

Independent claims 33 and 66 have also been amended to clarify that a microphone is used to receive a wireless acoustic signal that is processed by the claimed invention and independent claim 40 has been amended to include means for receiving and processing a wireless acoustic signal. Accordingly, independent claims 33, 40 and 66 (and there corresponding dependent claims) are also patentable over the cited references, alone or in combination, for the same reasoning provided above for independent claim 1.

Accordingly, for at least the reasons provided above, Applicants respectfully submit that the rejections of claims 1, 4-7, 9, 10, 12-17, 19-31, 33, 36, 40, 42-45 and 48-66 are overcome.

**CONCLUSION**

In view of the amendment and remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON MAY 20, 2010.

LEGAL02/31918909v1